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Donald C. Brittingham
Director – Wireless/Spectrum Policy

December 8, 2004

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, D.C. 20554

Re: *Ex Parte* Presentation
WT Docket No. 03-103; “Air-Ground Telecommunications Services”

Dear Ms. Dortch:

Verizon Airfone responds to the questions raised in this proceeding concerning the amount of spectrum that should be made available for licensing by auction to a carrier. For the reasons set forth below, any potential bidder should have the option to acquire a license that would permit it to utilize on an exclusive basis all four MHz in the 849-851 and 894-896 MHz bands allocated for public air-to-ground service.

Focus on Broadband. The over-arching goal of the Commission’s efforts in this proceeding must be to bring travelers and aircraft operators in both commercial and general aviation reliable, robust high speed communications. This service needs to be consistent in performance with what the public has come to expect in ground-based operations. It must support not only data and voice communications for travelers but also provide critical circuits for aircraft security and the efficient transfer of certain data needed for the efficient operation of aircraft. While the record reflects numerous proposals for dividing the very limited amount of spectrum at issue, the record also shows that there are inherent flaws in any of the sharing proposals.

As Airfone has already explained on numerous occasions, this spectrum can only support one broadband ATG operator if that operator is to provide highly-reliable broadband services that are available from take-off to landing (i.e., “deck-to-deck”). Consequently, Airfone urges the Commission to afford prospective bidders the option to acquire exclusive rights to the available 4 MHz subject to the rights of Airfone as the sole surviving incumbent licensee.

Avoid Harmful Interference. Various stakeholders, including public safety, have expressed concerns about potential interference from a broadband ATG service. While we believe that a broadband ATG system can be operated without causing harmful interference to adjacent services, we believe that the availability of the full 4 MHz of spectrum would afford licensees greater flexibility in providing adequate protections. For example, an ATG provider could operate a broadband system in

the center of the ATG band, and thus, provide a “guard band” between its system and systems operated in adjacent bands. If Airfone is the successful bidder in an auction, access to the entire 4 MHz would also afford it greater flexibility in transitioning its narrowband system to broadband technology with minimal disruption to current ATG service. Such a scenario could be implemented and still be compatible with Airfone’s existing narrowband system, however, even if Airfone were not to win the broadband license, because it could split its current narrowband system into two non-contiguous bands on either side of the broadband system.

Let the Market Decide. Given the disagreement about the efficacy of so-called sharing schemes, the limited amount of available spectrum, and the need for any revised air-to-ground operations to protect licensees in adjacent spectrum from harmful interference, Airfone urges the Commission to adopt competitive bidding rules that would afford prospective bidders the option to acquire exclusive rights to the entire 4 MHz available in the band. Access to the 4 MHz on an exclusive basis could preserve the current interference environment with respect to adjacent users while affording a ready path for the upgrade of the broadband system. A single broadband licensee would have the maximum flexibility to manage operations within the ATG bands so as to optimize performance of the broadband system while accommodating current narrowband operations. Thus, the Commission could maintain required out-of-band emissions limits while providing the broadband licensee with both the incentive and the flexibility to operate efficiently within the allocation.

Sincerely,

/s/ Donald C. Brittingham

Donald C. Brittingham

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